

HEARING EXAMINER DECISION

PETITION NO. PE-PL20180003220 - Bayshore Redevelopment Group, LLC requests a parking exemption under LDC Section 4.05.02.K.3 to allow off-site parking on lots zoned Residential Multi-Family-6 District within the Residential Subdistrict 1 of the Bayshore Mixed Use Overlay District (RMF-6-BMUD-R1) and separated from the permitted use by a local road. The subject property is located at the northwest corner of Bayshore Drive and Becca Avenue in Section 11, Township 50 South, Range 25 East in Collier County, Florida.

DATE OF HEARING: August 22, 2019

STAFF RECOMMENDATION: Approval.

FINDINGS:

Based on the applicant's written petition, testimony at the hearing of the applicant and the public, and the recommendation of staff, the Hearing Examiner finds that the criteria set forth in Section 4.05.02 K.3.b of the Land Development Code has been met and the petition should be approved.

ANALYSIS:

This petition requests a parking exemption within the Bayshore Overlay and will serve the principle use, Celebration Park (also known as Celebration Park Naples and Bayshore Food Truck Park), which is located to the south of the proposed parking area. This parking exemption process is not a review of the Celebration Park site.

Parking exemptions are reviewed in accordance with section 4.05.02.K.3a(2) where an applicant may seek an exemption for off site parking on sites that are not commercially zoned. In review of a dozen previous parking exemptions within the county, eight of those were approved in residentially zoned areas with three in the same underlying residential zoning district, RMF-6, as is this application. All previously approved parking exemptions included conditions of approval.

The required Neighborhood Information Meeting (NIM) was held with approximately thirty-seven names on the sign-in sheets. In addition to the NIM there was correspondence received from five individuals. At this hearing over 100 people were in attendance. Eighteen speaker slips were completed and there was a total of twelve speakers. The hearing lasted approximately two hours.

The subject property is within the Bayshore Overlay and is zoned RMF-6-BMUD-R1 (Residential Multi-Family at 6-units per acre within the Bayshore Mixed Use District and the Residential subdistrict 1 designation). This designation allows the underlying uses of the RMF-6 district which includes a variety of residential uses including multi-family and family care facilities. The overlay designation provides for similar residential uses of the RMF-6 zoning and changes to some development standards.

Off-site parking is an allowed use in the underlying zoning district with an approved parking exemption. The parking exemption process is not a change in zoning.

There are six lots involved in this request that will create 62 off-site parking spaces within a walled and landscape area (see Exhibit A). The intent of this parking exemption is to support the Celebration Park which is directly south, across Becca Avenue, from the proposed parking lot.

Access to the off-site parking area will be from Becca Avenue. This is a local street intersecting Bayshore Drive, a collector roadway, and the parking exemption property is in the northwest corner of that intersection. Due to spacing and traffic safety issues, entry from Bayshore Drive is not possible.

Bayshore Drive is the primary roadway into this part of the Bayshore neighborhood. Approximately eighty percent of the west side of Bayshore Drive south to Thomasson Drive is zoned commercial. With a predominance of commercial zoning in this redevelopment area, the parking lot will provide a transition from the adjacent C-4 zoning to the south and the residential to the north and west.

Without this off-site parking lot, the possibility of more potential parking problems in the neighborhood would increase. As proposed, the parking lot would be easily recognizable upon entering Becca Avenue and the flow of traffic to serve the principal use will not be negatively impacted.

The County had previously realized the need for additional parking while allowing for commercially zoned properties along Bayshore Drive. As such, the Overlay includes numerous areas designated on the zoning maps as APZ, Accessory Parking Zones (see Exhibit C). There is an APZ designation directly to the west of the Celebration Park across an abutting canal; this area if used as a parking lot, would have driveway access from either Becca Avenue or Cypress Street, or both. Either access would be further west on Becca Avenue than the access to the proposed parking lot. Because of the APZ designation, this area on Cypress Street would not have needed a parking exemption.

While the APZ is another option it would cause further intrusion into the Becca Avenue neighborhood and does not appear to be a more viable alternative to the proposed parking exemption area. Buffers required in the APZ areas by the Bayshore Overlay are ten feet wide, with a six-foot masonry wall and trees spaced thirty feet on center OR a fifteen-foot buffer with trees spaced twenty-five feet on center, a hedge of ten-gallon plants at five-feet high, with a three-foot spread and spaced four-feet on center (no wall required).

For the parking exemption lot, the applicant will provide a fifteen-foot landscape buffer and an eight-foot wall along the north and west property lines and ten-feet in from those property lines to provide area for more plantings on the residential side of the wall (see Exhibit B). Trees will be planted twenty-foot on center with additionally required plantings as provided by the Land Development Code and the attached Exhibit B. This buffer exceeds the APZ requirements. Along the roadway frontages the applicant will be adding four-foot walls with plantings.

To resolve some of the buffering issues as expeditiously as possible with the adjoining residential neighbors, the applicant has agreed to complete the residential property boundary walls and

landscaping on the residential side of the wall, by the end of 2019. Staff concurred that this was feasible pending swift responses by the applicant to staff's reviews.

While some parking exemptions use valet parking, valet parking is not being contemplated at this time. The parking exemption area will be limited to customer, employee and vendor parking. Vendor parking does not include operations or loading or unloading.

Celebration Park is constructed under site development plan PL20170000252. While the Celebration Park site plan is outside of this review, that initial plan did not anticipate the amount of traffic being generated based on activity at Celebration Park. This has resulted in the need for additional parking and a re-review of the initial site development plan is in process as a plan amendment. This parking exemption would provide up to sixty-two spaces as part of the parking necessary for Celebration Park. The furthest parking space from the Celebration Park is approximately three hundred twenty feet, providing a reasonable distance to accommodate customers.

At the south and east side of the parking lot, within the walled area, a five to six-foot sidewalk will be constructed directing customers to follow the interior walkway to a connecting walkway at Bayshore Drive. Where Becca Avenue intersects Bayshore Drive, a high visibility pedestrian cross walk will be provided to allow customers safe access to the Celebration Park Naples. It is expected that this internal walkway along with the wall and landscaping will discourage pedestrians from crossing randomly along Becca Avenue and route customers to the Bayshore/Becca cross-walk. In addition, the applicant will provide directional signage toward the cross-walk area as shown on Exhibit A.

DECISION:

The Hearing Examiner hereby approves Petition PE-PL20180003220 filed by Frank J. Feeney, P.E., of Q. Grady Minor & Associates, P.A., representing Bayshore Redevelopment Group, LLC, to allow off-site parking on lots zoned Residential Multi-Family-6 District within the Residential Subdistrict 1 of the Bayshore Mixed Use Overlay District (RMF-6-BMUD-R1) and separated from the permitted use by a local road known as Becca Avenue, to serve an outdoor bar and food truck park known as Celebration Park Naples. The off-site parking lot located at the northwest corner of Bayshore Drive and Becca Avenue and further described herein shall comply with the Plans attached as Exhibits "A" and "B", and shall be subject to the condition(s) set forth below.

ATTACHMENTS: Exhibit A – Site Plan
Exhibit B – Landscape Plans
Exhibit C – Bayshore Overlay Map

LEGAL DESCRIPTION: Lots 45, 46, 47, 48, 49 and 50, Rebecca Weeks Subdivision, according to the map or plat thereof as recorded in Plat Book 2, Page 81, Public Records of Collier County, Florida.

CONDITIONS:

1. All other applicable state or federal permits must be obtained before commencement of the development.
2. Improvements shall be consistent with the attached conceptual plan of the parking exemption area (Exhibit A) and landscaping plans (Exhibit B).
3. Only paved surface parking is permitted. No parking structures are allowed within the parking exemption area.
4. For use only by customers, employees of the Celebration Park Naples or vendor employees.
5. No vendor operations or special events are allowed in the parking exemption area.
6. Hours of operation shall be between 9:30 AM to 10:30 PM, no more than six days a week and will remain closed on Mondays.
7. Lighting to be bollard style no higher than forty-eight inches except for pole lighting adjacent (within ten feet) of any right-of-way not to exceed ten feet in height. All lighting to be Dark Sky compliant, shielded and not to exceed 0.2 foot-candles at residential property lines. Lighting to be restricted to evening hours of operation.
8. A finished (stucco and paint or equivalent) eight-foot masonry wall, a minimum of ten-foot from the property line, shall be installed along the north and west property lines common with residential properties. Wall height shall be measured from average design height of finished drive isle centerline.
9. A type B buffer as enhanced with trees spaced twenty-foot on center as shown on landscape plan will be installed along the west and north property lines.
10. The finished eight-foot masonry wall and landscaping on the residential side of the wall, shall be completed by the end of December 2019 along the west and north property lines.
11. No dumpster or trash containers will be allowed within the parking lot with the exception of trash receptacles that are to be emptied daily.
12. No loading or unloading allowed from the parking exemption area.
13. The parking exemption area will have a controlled restricted access point that will be opened and closed consistent with the allowed hours of operation of the parking area.
14. Signage will be installed directing customers to the sidewalk connection along Bayshore Drive for use of the Becca Avenue crossing.
15. The applicant shall provide regular patrolling of the parking exemption area, no less than hourly, but additionally if needed to control loitering. Video cameras will be installed to monitor the parking lot and shall be directed away from the abutting residential areas.
16. The dry detention area shall be curbed with a type D curb or equivalent.
17. The pedestrian crossing at Becca Avenue and Bayshore Drive shall utilize high visibility striping.

DISCLAIMER:

Pursuant to Section 125.022(5) F.S., issuance of a development permit by a county does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the county for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law.

APPEALS:

This decision becomes effective on the date it is rendered. Pursuant to Ordinance 2013-25, as amended, a Hearing Examiner Decision may be appealed to the Board of County Commissioners or the Board of Zoning Appeals, as appropriate. Appeals must be filed within 30 days of the date the Hearing Examiner Decision is rendered.

RECORD OF PROCEEDINGS AND EXHIBITS: SEE CLERK OF COURT, MINUTES AND RECORDS DEPARTMENT. DECISIONS OF THE HEARING EXAMINER FOR VARIANCES, CONDITIONAL USES, AND BOAT DOCK EXTENSIONS SHALL BE NOTED ON THE ZONING MAP FOR INFORMATIONAL PURPOSES.

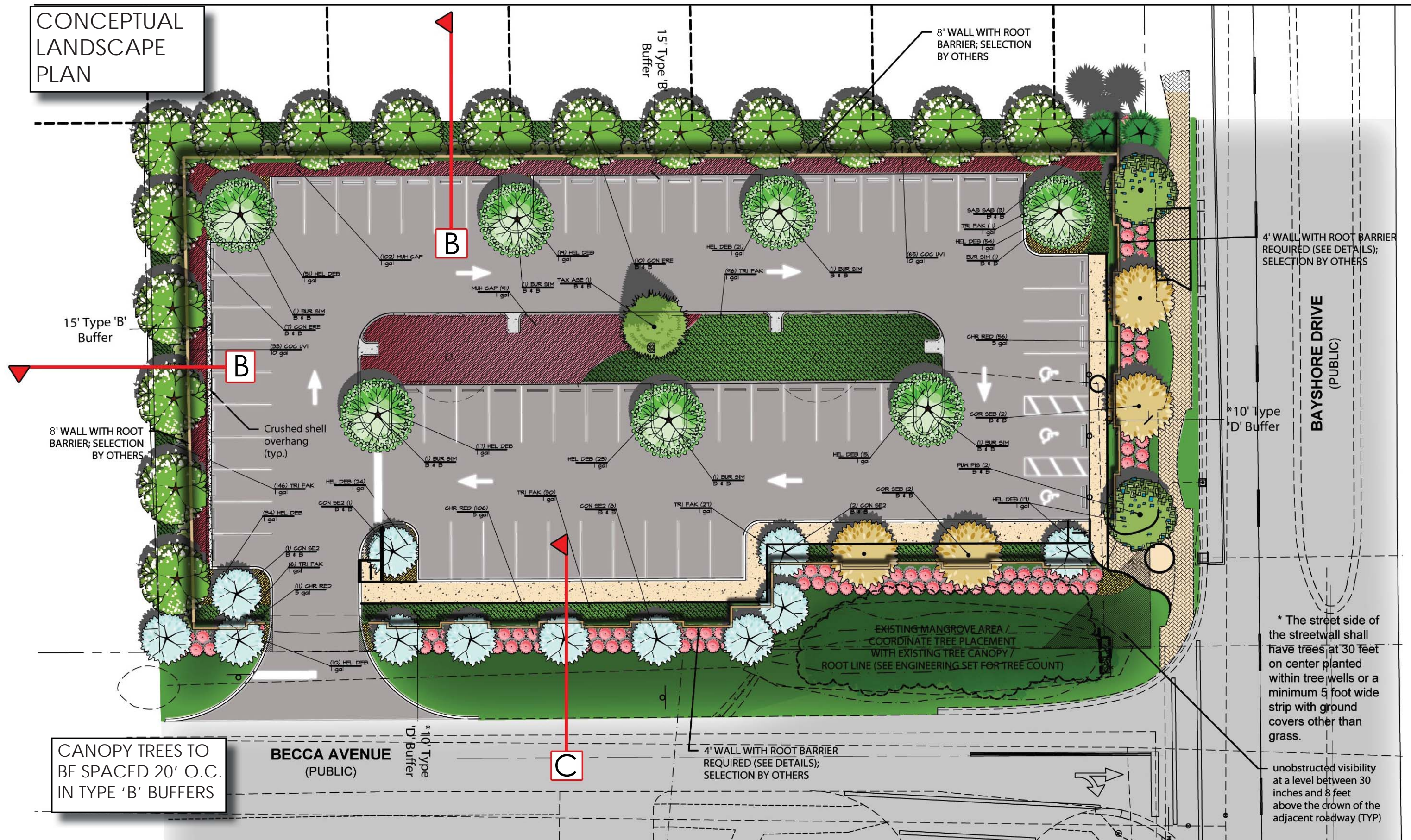
9-4-19
Date

Mark Strain
Mark Strain, Hearing Examiner

Approved as to form and legality:

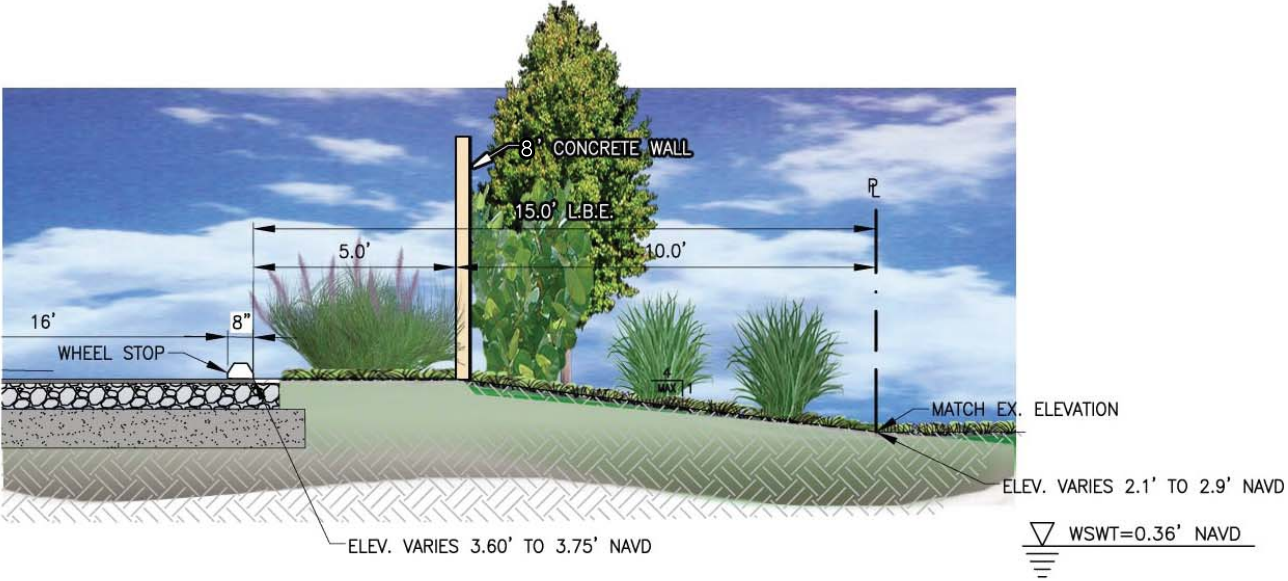
Heidi Ashton-Cicko
Heidi Ashton-Cicko
Managing Assistant County Attorney

CONCEPTUAL LANDSCAPE PLAN

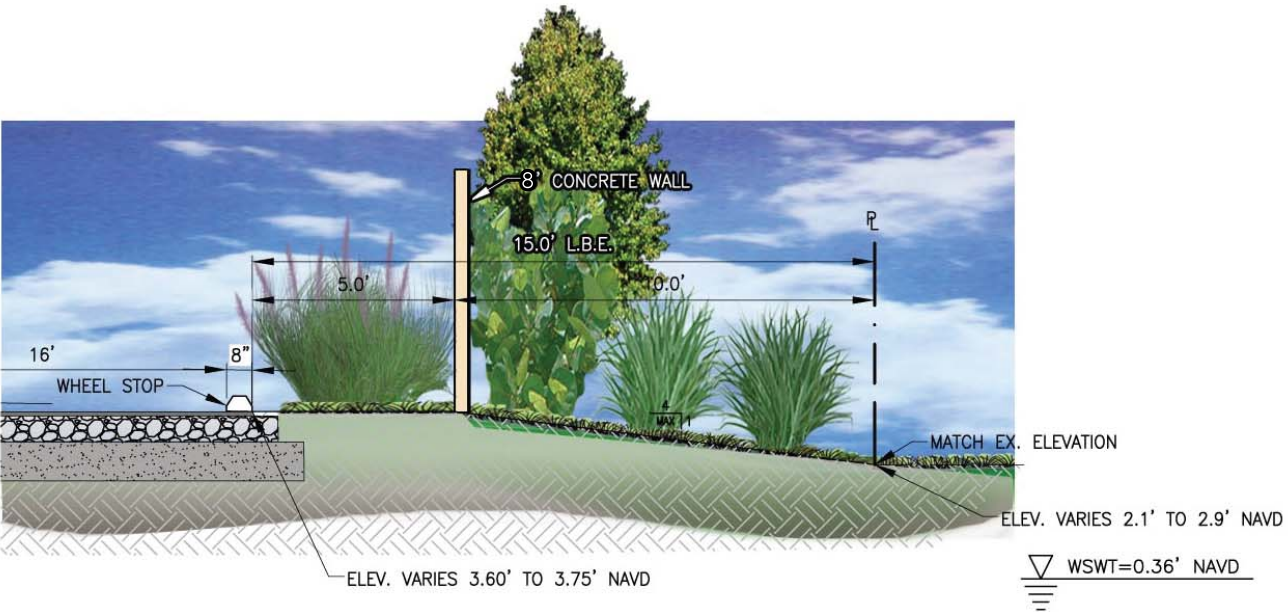


CONCEPTUAL
LANDSCAPE
LIST/SECTIONS

PLANT SCHEDULE						native / zone
TREES	QTY	BOTANICAL / COMMON NAME	CONT	CAL	SIZE	DETAIL
BUR SIM	7	Bursera simaruba / Gumbo Limbo	B & B	1.75" Cal	10'-12'H X 5'-6"W	Y / 10
CON ERE	16	Conocarpus erectus / Buttonwood	B & B	1.75" Cal	10'-12'H X 5'-6"W	Y / 10
CON SE2	12	Conocarpus erectus 'Sericeus' / Silver Buttonwood	B & B	1.75"; multi-trunk	10'-12'H X 5'-6"W	Y / 10
COR SEB	4	Cordia sebestena / Orange Geiger Tree	B & B	1.75" Cal	10'-12'H X 5'-6"W	Y / 10
PUN PIS	3	Pisidia piscipula / Jamaica Dogwood	B & B	1.75" Cal	10'-12'H X 5'-6"W	Y / 10
TAX ASE	1	Taxodium ascendens / Pond Cypress	B & B	1.75" Cal	10'-12'H X 5'-6"W	Y / 7
PALM TREES	QTY	BOTANICAL / COMMON NAME	CONT	CAL	SIZE	DETAIL
SAB SAB	3	Sabal palmetto / Cabbage Palmetto	B & B		16', 20', 24' O.A., Stagger adj. height	Y / 7
SHRUBS	QTY	BOTANICAL / COMMON NAME	SIZE	FIELD2	FIELD3 / NOTATION	DETAIL
CHR RED	173	Chrysobalanus icaco 'Red Tip' / Red Tip Cocoplum	5 gal	18" O.A.	5' min. bed width	Y / 10
COC UVI	98	Coccoloba uvifera / Sea Grape	10 gal	5' O.A., 4' O.C.		Y / 10
SHRUB AREAS	QTY	BOTANICAL / COMMON NAME	CONT	FIELD2	FIELD3 / NOTATION	DETAIL
MUH CAP	193	Muhlenbergia capillaris / Pink Muhly	1 gal	4' O.C.	3" crushed shell	Y / 7
TRI FAK	316	Tripsacum dactyloides / Fakahatchee Grass	1 gal	4' O.C.	3" crushed shell	Y / 7
GROUND COVERS	QTY	BOTANICAL / COMMON NAME	CONT	FIELD2	FIELD3 / NOTATION	DETAIL
HEL DEB	285	Helianthus debilis / Dune Sunflower	1 gal	12" O.A.	3" crushed shell	Y / 10

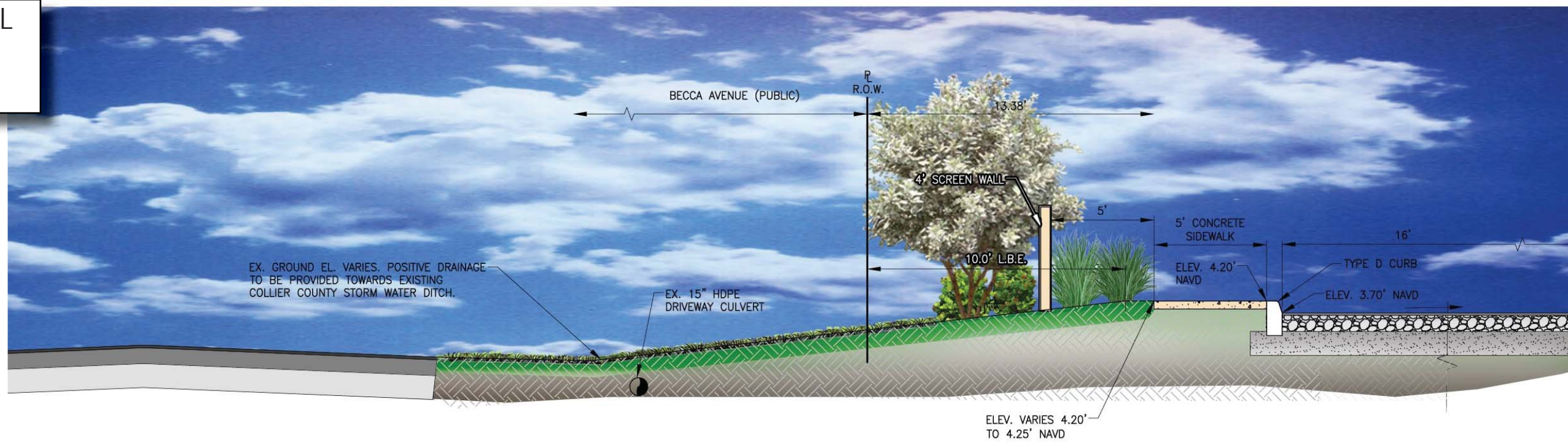


ENGINEERING SECTION B (Code-planted)
NOT TO SCALE

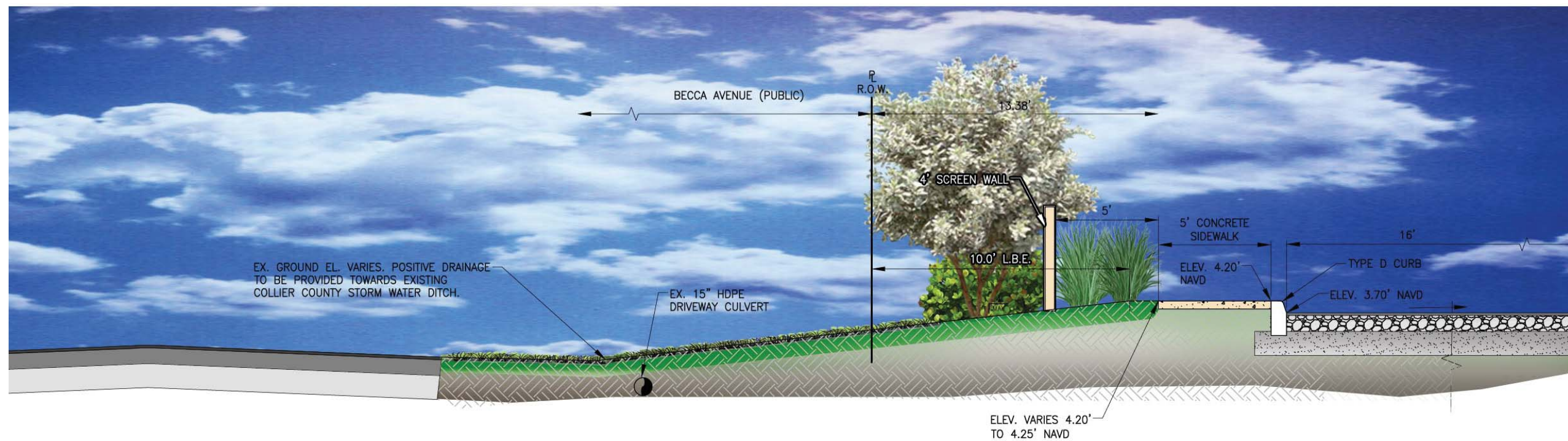


ENGINEERING SECTION B (Approximated growth after 1 Year)
NOT TO SCALE

CONCEPTUAL
LANDSCAPE
SECTIONS



ENGINEERING SECTION C (Code-planted)
NOT TO SCALE



ENGINEERING SECTION C (Approximated growth after 1 Year)
NOT TO SCALE

